

Poulsom, Susan

From: Poulsom, Susan
Sent: Friday, July 15, 2016 6:36 AM
To: 'Newman, Claire'
Subject: RE: tribal wastewater permitting options

Claire – we notify by providing a preliminary draft to the downstream state/tribe if we determine the quality of the water will be affected. The process is in CWA 401(a)(2), the downstream State could object within 60 day if the State determine that the discharge will affect the quality of its waters so as to violate any water quality requirement.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with ap-

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From: Newman, Claire [mailto:CNewman@kilpatricktownsend.com]
Sent: Thursday, July 14, 2016 3:36 PM
To: Poulsom, Susan <Poulsom.Susan@epa.gov>
Subject: RE: tribal wastewater permitting options

Hi Susan,

Thanks for pointing me to the CWA Handbook earlier today. I have a question regarding the chart on page 9. It appears that EPA will notify affected downstream states and tribes within 30-60 days of submission of the application (or perhaps once EPA determines that the application is complete?). Does EPA notify the downstream state of the application? Or does EPA provide an actual draft permit to the downstream state or tribe for comment/objection?

Also, how long does a downstream state or tribe have to comment or object to the permit? I see that under Section 401, states would have up to a year to condition the permit, but since EPA would be the 401 Cert authority for a permit for a discharge on a reservation, I would think the one year time frame wouldn't apply. So, how long would the state have?

Feel free to give me a call.

Thank you,

Claire Newman

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From: Poulson, Susan [<mailto:Poulson.Susan@epa.gov>]

Sent: Friday, June 24, 2016 1:13 PM

To: Newman, Claire

Subject: Automatic reply: tribal wastewater permitting options

I am currently out of the office, returning on Tuesday, July 5th. I will respond to emails when I return. Thanks

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